

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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Court Minutes

June 8, 2009

There are no minutes for this date.

June 9, 2009

- C055469 THE PEOPLE v. (Certified For Partial Publication)**
DEL JAY UGALINO
Defendant's conviction for the attempted robbery of Jessie Rider (Count three of the information) is reversed. The judgment is otherwise affirmed and the matter is remanded for the limited purpose of recalculating defendant's sentence in light of this court's decision to reverse the conviction on count three. After resentencing, the trial court is directed to send a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.
DAVIS, J.*
We Concur: Sims, Acting P.J.
 Hull, J.
- C056049 THE PEOPLE v. (Not For Publication)**
ARMONDO de la CRUZ
The judgment is reversed and the matter remanded.
SIMS, Acting P.J.
We Concur: Hull J.
 Robie, J.
- C056282 THE PEOPLE v. (Certified For Partial Publication)**
JAMES DANIEL HALLER
The judgment is affirmed.
SIMS, Acting P.J.
We Concur: Hull, J.
 Robie, J.
- C057424 THE PEOPLE v. (Not For Publication)**
LENNARD EDWARD VAUGHN
The judgment is affirmed.
RAYE, Acting P.J.
We Concur: Hull, J.
 Butz, J.

*Retired Associate Justice of the Court of Appeal. Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

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Court Minutes

June 9, 2009, Continued

- C057425 THE PEOPLE v. (Not For Publication)**
JUAN CARLOS LOPEZ RAMIREZ
The condition prohibiting the defendant from having any contact with the victim is hereby modified to read that defendant is to have no visitation with the victim. The superior court is directed to amend its records to reflect this change and to forward a copy to the Department of Corrections and Rehabilitation. In all other respects the judgment is affirmed.
BLEASE, Acting P.J.
We Concur: Hull, J.
Robie, J.
- C057637 THE PEOPLE v. VEASNA SITH (Not For Publication)**
The judgment is modified to stay the sentences for burglary and assault with a firearm... As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.
RAYE, J.
We Concur: Nicholson, Acting P.J.
Cantil-Sakauye, J.
- C057775 THE PEOPLE v. (Not For Publication)**
OSCAR MARTIN CONSTANCIO
The appeal is dismissed.
SIMS, J.
We Concur: Scotland, P.J.
Nicholson, J.
- C058541 THE PEOPLE v. (Not For Publication)**
EVERETT JEROME KESSLER
The judgment (order of recommitment) is affirmed.
SCOTLAND, P.J.
We Concur: Sims, J.
Nicholson, J.
- C058950 THE PEOPLE v. (Not For Publication)**
LAURENCE EDWIN ASHFORD
The sentence on count five is stayed in accordance with Penal Code section 654. As modified, the judgment is affirmed. The trial court will prepare an amended abstract of decision and forward it to the Department of Corrections and Rehabilitation.
RAYE, Acting P.J.
We Concur: Butz, J.
Cantil-Sakauye, J.

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Court Minutes

June 9, 2009, Continued

- C059391 THE PEOPLE v. (Certified For Publication)**
EDDIE ALLEN HODGES
The appeal is dismissed.
SIMS, J.
We Concur: Scotland, P.J.
Robie, J.
- C055877 TEICHMER et al. v. GRASS VALLEY (Not For Publication)**
TERRACE et al.
The judgment is affirmed. Defendants shall recover their costs on appeal.
(Cal. Rules of Court, rule 8.278 (a) (1) .)
BLEASE, J.
We Concur: Scotland, P.J.
Butz, J.
- C057202 HASSAN v. STATE OF CALIFORNIA et al. (Not For Publication)**
The judgment is affirmed. Defendants shall recover costs on appeal.
RAYE, J.
We Concur: Blease, Acting P.J.
Nicholson, J.
- C058642 OKOYE v. ABBOTT (Not For Publication)**
The order is affirmed. Okoye shall recover his costs on appeal.
(Cal. Rules of Court, rule 8.278 (a) (1) .)
SIMS, J.
We Concur: Scotland, P.J.
Nicholson, J.
- C058076 In re BENJAMIN N.; (Not For Publication)**
THE PEOPLE v. BENJAMIN N.
The findings sustaining the allegations in counts 3, 4, and 5 are stricken
and the maximum confinement time attributable to this case (Yolo Superior Court
case No. JD07113) is reduced to six years eight months. The juvenile court is
directed to prepare a new dispositional order reflecting these modifications. In all
other respects, the dispositional order is affirmed.
RAYE, Acting P.J.
We Concur: Robie, J.
Cantil-Sakauye, J.

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Court Minutes

June 9, 2009, Continued

C059560 **In re D.B.; SACRAMENTO COUNTY** **(Not For Publication)**
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. L.B.

The order of the juvenile court is affirmed.

CANTIL-SAKAUYE, J.

We Concur: Scotland, P.J.

Sims, J.

June 10, 2009

C058264 **THE PEOPLE v.** **(Not For Publication)**
EDWARD PETER FERREIRA, JR.

The judgment is affirmed.

ROBIE, J.

We Concur: Raye, Acting P.J.

Hull, J.

C059388 **THE PEOPLE v. JAMMAL BOWIE** **(Not For Publication)**

The trial court is directed to strike from the probation order the condition ordering defendant to pay \$3,000 in victim restitution pursuant to Penal Code section 1202.4. In all other respects, the judgment is affirmed.

ROBIE, J.

We Concur: Raye, Acting P.J.

Hull, J.

C059832 **THE PEOPLE v.** **(Not For Publication)**
WACO WILLIAMS

The trial court is directed to prepare and forward to the Department of Corrections and Rehabilitation a certified copy of the abstract as modified herein. The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Hull, J.

Butz, J.

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Court Minutes

June 10, 2009, Continued

C060121 THE PEOPLE v. (Not For Publication)
TOMMY SHANE COLLINS

The judgment is affirmed.

ROBIE, J.

We Concur: Nicholson, Acting P.J.
 Hull, J.

C058853 FORE v. DEPARTMENT OF REAL (Not For Publication)
ESTATE et al.

The judgment is affirmed. The department is awarded its costs on appeal. (Cal. Rules of Court, rule 8.276 (a) (2) .)

ROBIE, J.

We Concur: Sims, Acting P.J.
 Cantil-Sakauye, J.

June 11, 2009

C058437 THE PEOPLE v. (Not For Publication)
PAUL JOSEPH MARTINEZ

The judgment is modified, increasing presentence custody credit to a total of 187 days. As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to send a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

NICHOLSON, J.

We Concur: Scotland, P.J.
 Cantil-Sakauye, J.

C058695 THE PEOPLE v. (Not For Publication)
GREGORY ALLEN GADLIN, JR.

The judgment is affirmed.

BLEASE, J.

We Concur: Scotland, P.J.
 Robie, J.

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June 11, 2009, Continued

**C057578 CALIFORNIA OAK FOUNDATION v. (Certified For Partial Publication)
COUNTY OF TEHAMA et al.; DEL
WEBB CALIFORNIA CORP. et al.**

The judgment is reversed with directions that the superior court enter judgment commanding respondents County of Tehama and Tehama County Board of Supervisors to set aside the decisions in issue and to reconsider the case in the light of this court's opinion and judgment. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (5) .)

BUTZ, J.

We Concur: Sims, Acting P.J.

Hull, J.

**C058024 SAUNDRA JACKSON v. (Not For Publication)
ROD READ AND SONS**

The judgment and the order awarding attorney fees are affirmed. Read is awarded its costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (2) .)

NICHOLSON, J.

We Concur: Blease, Acting P.J.

Raye, J.

C058700 SMALL v. RALEY'S, INC. (Not For Publication)

The judgment is affirmed. Defendant Raley's, Inc., shall recover its costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (1) – (2) .)

SIMS, J.

We Concur: Blease, Acting P.J.

Butz, J.

**C059177 In re M.J.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. S.C.**

The juvenile court's orders are affirmed.

HULL, J.

We Concur: Raye, Acting P.J.

Butz, J.

**C057504 THE PEOPLE v. ANTHONY JEROME HAIRSTON
BY THE COURT:**

Appellant's petition for rehearing is denied.

SCOTLAND, P.J.

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Court Minutes

June 12, 2009

- C056967 THE PEOPLE v. (Not For Publication)**
RICKY WILLIAMS
- The judgment is reversed and the matter remanded for the trial court to conduct a new *Pitchess* hearing in accordance with the procedures discussed herein. ...
- Upon conclusion of the criminal proceedings, the trial court is directed to determine defendant's ability to pay attorney fees and costs of probation in accordance with sections 987.8 and 1203.1b, and exercise its discretion under section 987.8 with respect to payment of attorney fees. In addition, the court is directed to recalculate defendant's presentence custody credits and conduct credits.
- RAYE, J.
We Concur: Nicholson, Acting P.J.
 Cantil-Sakauye, J.
- C059153 THE PEOPLE v. (Not For Publication)**
GREGORY ADONIS MURPHY
- The judgment is affirmed.
- BLEASE, Acting P.J.
We Concur: Sims, J.
 Nicholson, J.
- C060060 THE PEOPLE v. (Not For Publication)**
RAMIRO JESUS RODRIGUEZ
- The judgment is affirmed.
- CANTIL-SAKAUYE, J.
We Concur: Blease, Acting P.J.
 Nicholson, J.
- C061504 E.S. v. THE SUPERIOR COURT OF (Not For Publication)**
SUTTER COUNTY; SUTTER COUNTY
DEPARTMENT OF HUMAN SERVICES
et al.
- Let a peremptory writ of mandate issue, directing respondent juvenile court to vacate its order terminating petitioner's reunification services and scheduling a Welfare and Institutions Code section 366.26 hearing. The matter is remanded with directions to the juvenile court to conduct a new dispositional hearing in compliance with the Indian Child Welfare Act.
- SIMS, Acting P.J.
We Concur: Raye, J.
 Cantil-Sakauye, J.

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Court Minutes

June 12, 2009, Continued

C059552 THE PEOPLE v. CANDIDO CARDOSO (Not For Publication)

THE COURT:

It is hereby ordered that the opinion filed herein on May 26, 2009, be modified... This modification does not constitute a change in the judgment.

BY THE COURT:

RAYE, Acting P.J.

Butz, J.

Cantil-Sakauye, J.